

Serial No. 55068

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUL 16 1990

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed JUL 16 1990

The applicant Bently Nevada Corporation

P.O. Box 157 of Minden  
Street and No. or P.O. Box No. City or Town

Nevada 89423 hereby make S application for permission to change the  
State and Zip Code No.

Place of Use  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 52067  
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is Underground  
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.223 CFS  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Dewatering for environmental control  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Dewatering for environmental control  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 8, T.13N., R.20E.,  
Describe as being within a 40-acre subdivision of public survey and by course and

M.D.M. or at a point from which the Southwest corner of said Section 8, T.13N.,  
distance to a section corner. If on unsurveyed land, it should be stated.

R.20E. bears S. 44° 17' 35" W. a distance of 4102 feet. (EX-9A)

6. The existing permitted point of diversion is located within \_\_\_\_\_  
If point of diversion is not changed, do not answer.

7. Proposed place of use See Exhibit A  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use within portions of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8,  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

T.13N., R.20E., M.D.M.  
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from October 1 to September 30 of each year.  
Month and Day Month and Day

10. Use was permitted from October 1 to September 30 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) Well approximately 50 feet deep w/pump and  
State manner in which water is to be diverted, i.e. diversion structure.

motor; 6" casing; piping to a flow equalization tank and air stripping tower.  
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$40,000

13. Estimated time required to construct works already completed (see 11 above)

14. Estimated time required to complete the application of water to beneficial use..... one year

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This environmental control well is part of a remedial measure reviewed by

NDEP. Groundwater will be extracted from the shallow aquifer and treated by

air stripping. Treated water will be disposed of by discharging into irrigation

ditches within the proposed place of use.

By s/Thomas A. Foote

160 Hubbard Way

Reno, NV 89502

Compared bc/ se am/se

Protested \_\_\_\_\_

### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the place of use of the waters of an underground source as heretofore granted under Permit 52067 is issued subject to the terms and conditions imposed in said Permit 52067 and with the understanding that no other rights on the source will be affected by the change proposed herein. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection and subsequent correspondence with said agency. The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and records of the measurement shall be submitted on an annual basis. It is also understood that this right must allow for a reasonable lowering of the static water level of permittee's well due to other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water granted herein at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The total combined duty of water under Permits 55064, 55065, 55066, 55067, 55068, 55069 and 55070 shall not exceed 226.3 million gallons annually.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to

exceed..... 0.223 .....cubic feet per second, but not to exceed 50 million  
gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... April 5, 1992

Proof of completion of work shall be filed before..... May 5, 1992

Application of water to beneficial use shall be made on or before..... April 5, 1994

Proof of the application of water to beneficial use shall be filed on or before..... May 5, 1994

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... JUL 15 1992

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 5th day of April,

A.D. 19 91

  
State Engineer

CANCELLED SEP 13 2000 BECAUSE OF FAILURE

OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Justin Ricci, P.E. STATE ENGINEER

EXHIBIT A  
PROPOSED PLACE OF USE

|                                    |            |
|------------------------------------|------------|
| SECTION 5, T.13N., R.20E., M.D.M.  |            |
| SE 1/4 NW 1/4                      | 40.00 AC   |
| W 1/2 NW 1/4                       | 80.37 AC   |
| SECTION 6, T.13N., R.20E., M.D.M.  |            |
| NE 1/4 NE 1/4                      | 40.35 AC   |
| S 1/2 NE 1/4                       | 80.00 AC   |
| SE 1/4                             | 160.00 AC  |
| W 1/2                              | 300.70 AC  |
| SECTION 7, T.13N., R.20E., M.D.M.  |            |
| NE 1/4                             | 160.00 AC  |
| N 1/2 SE 1/4                       | 80.00 AC   |
| SECTION 8, T.13N., R.20E., M.D.M.  |            |
| W 1/2 NE 1/4                       | 80.00 AC   |
| NW 1/4 SE 1/4                      | 40.00 AC   |
| N 1/2 SW 1/4                       | 80.00 AC   |
| S 1/2 NW 1/4                       | 80.00 AC   |
| SECTION 31, T.14N., R.20E., M.D.M. |            |
| W 1/2                              | 292.73 AC  |
| SECTION 36, T.14N., R.19E., M.D.M. |            |
| E 1/2 E 1/2                        | 160.34 AC  |
| TOTAL                              | 1674.49 AC |

